

**Letter of Appeal Regarding  
USAC Appeal Denial (RFCDL) Dated 9-10-2018  
Applicant: BEN 136905 – Archdiocese of St. Louis Schools  
Recipient of Service: BEN 74069 Cardinal Ritter College Prep**

November 9, 2018

Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

Applicant/Appellant Name:	Richard Senturia, Consultant for Applicant/Appellant
Applicant/Appellant:	Archdiocese of St. Louis Schools
FCC Registration Number:	0020716874
Applicant Billed Entity Number (BEN)	136905
Recipient of Service	Cardinal Ritter College Prep School
Recipient of Service Billed Entity Number (BEN)	74069
Form 471 Application Number:	171046083
Funding Request Number(s):	1799105656
Funding Year:	2017
USAC Appeal Denial Date:	9-10-2018

To whom it may concern:

We hereby appeal USAC's Appeal Denial (Revised Funding Commitment Decision Letter) Dated 9-10-2018, which denied FRN 1799105656. More specifically, USAC's RFCDL denied Applicant's SPIN change request, which sought a change from Charter Communications to Windstream, on behalf of Recipient Cardinal Ritter College Prep School. USAC denied the change on the following basis:

Specifically, your operational SPIN change request was denied because the newly selected service provider did not receive the next highest point value in the original bid evaluation.

The RFCDL also cited the FCC's "Copan Order", File No. SLD-26231, CC Docket Nos. 96-45 and 97-21, 15 FCC Rcd 5498, FCC 00-100 para. 6 (rel. Mar. 16, 2000). USAC's RFCDL improperly denied Applicant's SPIN change request, because Charter's continued delay in starting the requested service forced Recipient to retain and continue its then-current internet service – Windstream, until Charter finally started the service on or about June 29, 2018, one day before the end of the relevant Funding Year. At that point, Applicant simply sought a SPIN

change to the Recipient's then-current provider, Windstream, which had been the provider since the prior Funding Year. USAC misinterpreted the FCC's Copan Order as requiring a different solution for Applicant/Recipient to this issue.

Prior to the start of Funding Year 2017, Recipient Cardinal Ritter received its Internet Access service from Windstream. In fact, as shown from FRN 1699074975, Form 471 Application Number 161035578, Cardinal Ritter received Internet Access from Windstream throughout the entire Funding Year 2016, from July 1, 2016 through June 30, 2017, and received 100% of its approved funding for those 12 months of service from Windstream.

At the time that the Archdiocese of St. Louis filed its Form 471 on behalf of Cardinal Ritter for Funding Year 2017, Windstream remained the Internet Access provider. On the Form 471, Recipient Cardinal Ritter sought funding for Internet Access from a different Service Provider - Charter Communications, SPIN 143005817, with an anticipated start date of July 1, 2017. However, the new Service Provider, Charter, did not begin their promised service on the anticipated start date of July 1, 2017, and Windstream continued their existing service through June 29, 2017.

Because Charter failed to deliver its service beginning July 1, 2017, as it promised, Recipient Cardinal Ritter retained its then-current Internet Access provider, Windstream. Throughout Funding Year 2017, Recipient Cardinal Ritter continued to await the promised service from Charter, not knowing whether Charter would begin the service in a day, a week, a month, a year, or ever. Throughout that time, Recipient Cardinal Ritter retained its then-current provider, Windstream.

Charter finally delivered its promised service on June 29, 2018, one day before the end of Funding Year 2017, and 363 days after the promised start date of July 1, 2017. Under the circumstances, it is clear that Recipient Cardinal Ritter correctly retained Windstream as its Internet Access provider from the beginning of Funding Year 2017 until the moment Charter supplied its promised service. To require otherwise would produce consequences which are not anticipated or required by the FCC's rules or orders.

USAC denied the SPIN change on the basis that Windstream "did not receive the next highest point value in the original bid evaluation." That rationale fails properly to account for Recipient's need to retain its then-current Internet Access service from Windstream, while it waited and waited for an unknown and indeterminate length of time to receive its requested service from Charter.

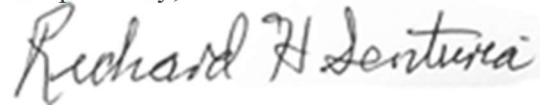
USAC's denial of this SPIN change request is tantamount to requiring Recipient Cardinal Ritter, on July 1, 2017, immediately to start service with some THIRD provider, different from Windstream or Charter, for yet another indeterminate period but potentially as short as one day, until Charter started the new service, at which time Cardinal Ritter would need to change AGAIN to Charter. That scenario further assumes that some third provider could have started

Cardinal Ritter's requested service on July 1, 2017, any better than Charter, the desired provider. Such a requirement would lead to ludicrous consequences, as described.

Moreover, Windstream was not a "newly selected provider" as referenced in USAC's RFCDL with regard to the SPIN change request, because Windstream was the then-current Internet Access provider throughout the entire Funding Year 2016, and for 364 days of Funding Year 2017 until June 29, 2018. Charter forced Recipient Cardinal Ritter to retain Windstream as the Internet Access provider, by Charter's failure to provide the requested service until June 29, 2018, 363 days late, and without any way for Cardinal Ritter to anticipate the exact length of the delay.

In light of the circumstances set forth above, the FCC should grant Applicant's SPIN change request and allow full funding of FRN 1799105656 as sought by Applicant. Thank you for your consideration of this matter. Please let us know if you require any additional documentation or materials.

Respectfully,

A handwritten signature in black ink that reads "Richard H. Senturia". The signature is written in a cursive, flowing style.

Richard Senturia  
eRate Program, LLC  
9666 Olive Blvd., Suite 215  
(314) 282-3676  
[rsenturia@erateprogram.com](mailto:rsenturia@erateprogram.com)  
Consultant for Applicant/Appellant